



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8824-2024
Date of decision:-18.05.2024

Hardeep Singh
... Petitioner
Versus
State of Punjab
.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Arihant Goyal, Advocate with
Mr.Saurav Saini, Advocate
for the petitioner.

Mr.Brijesh, AAG, Punjab.

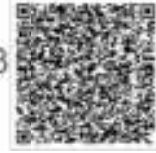
SUVIR SEHGAL, J. (ORAL)

1. This third petition has been filed under Section 439 Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0052	01.07.2020	Thulliwal, District Barnala	21/25 of NDPS Act

2. Version of the prosecution is that FIR, Annexure P1, has been registered on the allegation that a car was checked on suspicion and 280 grams of Heroin (CHITTA) was recovered from the foot-mat of the rear seat along with one piece of paper laced with Heroin and one pipe made with a currency note of Rs.10, besides a lighter. The car was being driven by Hardeep Singh, present petitioner and had three other occupants.

3. Counsel for the petitioner submits that the petitioner is in custody



from the date of the registration of the FIR and despite the fact that the charge was framed in December, 2021, no prosecution witness has been examined. He submits that 23 criminal cases have been registered against the petitioner, but he has been acquitted in 11 cases, although he has been convicted in some cases. He submits that considering the period of incarceration, petitioner deserves to be released on bail as the trial is not likely to conclude in near future.

4. *Per contra*, State counsel on instructions from ASI Manjit Singh has opposed the petition by highlighting the criminal past of the petitioner. State counsel could not dispute that out of 11 prosecution witnesses, none has been examined. State counsel has been confronted with the orders passed by this Court whereby all the three co-accused have been released on bail.

5. I have heard counsel for the parties and considered their respective submissions.

6. No doubt, the petitioner has a criminal history and is involved in a number of cases. However, insofar as the present case is concerned, the recovery effected is marginally above the threshold limit of commercial quantity. On this ground, all the three co-accused have been released on regular bail by this Court. Petitioner has undergone a detention of more than 46 months and the trial is at an embryonic stage. This Court is, therefore, inclined to accept the prayer made in the petition and deems it appropriate to impose some conditions, which the petitioner will have to abide during the bail period.



7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit that he will not get involved in any criminal activity. In case, he violates the undertaking, State shall be at liberty to seek cancellation of the bail.
9. Petitioner will also report, in person, at the police station concerned in the forenoon hours on the first Monday of every month and keep the SHO/IO apprised of his movements. The police official concerned shall keep a tab and monitor his activities during the bail period.
10. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

18.05.2024
Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No